Customer No.: 31561
Docket No.: 10939-US-PA
Application No.: 10/605,916

REMARKS

Present Status of Application

The Final Office Action is responsive to Applicant's communication filed on 5/30/2006. According to the Final Office Action, Applicant's arguments filed on 5/30/2006 for claims 1-3 have been carefully considered but they are not regarded as persuasive. Claims 1-3, 5-6, 8-18, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ding US Patent No. 6,430,663 ("Ding" hereinafter) in view of Raghavan et al. US Patent No. 6,931,522 ("Raghavan" hereinafter). Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ding in view of Raghavan and further in view of Khanna US Patent No. 6,550,006 ("Khanna" hereinafter).

Upon entry of the amendments in this response, claims 1 and 5-14 remain pending. More specifically, claims 1, 5, and 6 are amended, claims 2-4 and 15-26 are cancelled without prejudice, waiver, or disclaimer. Applicant believes that these changes do not introduce new matter and reconsideration of claims 1 and 5-14 is respectfully requested. In view of the above amendments and the following discussions, a notice of allowance is respectfully solicited.

Discussion for Amendments

Applicant has amended claim 1 to move the step "setting a multi-partition boot

-5-

selection flag" to the position immediately after the step "turning on a power of a computer". The specification recites "... when the power is turned on, a multi-partition boot selection flag is setup and thus serves to select the operating system stored in different partition of the disk ..." in paragraphs [0016] and [0024]. This means the step "setting a multi-partition boot selection flag" can be executed at substantially the same time as that of the step "turning on a power of a computer". Therefore this amendment is already disclosed in the specification and does not introduce new matter.

Applicant has also amended claim 1 to remove the limitation "wherein selecting the multi-partition boot selection flag is performed by an embedded controller in the computer". This limitation is not included in the original claim 1 as filed. Therefore this amendment does not introduce new matter.

Applicant has also amended claims 5 and 6. These amendments have support in paragraph [0021] of the specification. Therefore these amendments are already disclosed in the specification and do not introduce new matter.

Discussion for 35 U.S.C. 103(a) rejections

The Final Office Action rejected claims 1-3, 5-6, 8-18, 20-26 under 35 U.S.C. 103(a) as being unpatentable over Ding in view of Raghavan. Applicant respectfully disagrees and believes that these claims are allowable for at least the reasons below.

-6-

As FIG. 3A of Ding teaches, a selection window is generated to request user selection of the boot partition (step 210). The selection window is generated after the control is passed from MBR to boot select code (step 204) and before the selection of the boot partition (steps 210 and 212). The boot flag in Ding is modified after the MBR is read (step 202) and after the user selects the boot partition in the selection window (step 210). In contrast, claim 1 sets the boot selection flag after the computer is turned on and before the MBR is read. After the interrupt service program is executed and the MBR is read, the boot partition is selected by using the boot selection flag. **The timing of setting the boot flag in claim 1 is completely different from that in Ding.** In claim 1 the boot flag is set first and then the interrupt (for example, INT19) service program is executed, whereas in Ding the boot flag is set after the interrupt service procedure is finished. The procedures in claim 1 and in Ding are totally different. Therefore Applicant believes that the combination of Ding and Raghavan does not teach claim 1. Claim 1 is allowable.

Apart from distinguishable limitations, claim 1 is also allowable based on secondary considerations. In Ding a selection window appears after the interrupt service routine is finished to request the user to select the boot partition. This selection window is analogous to the inquiry window of a conventional boot management utility disclosed in the background section of the specification. Claim 1 does not include such a selection window, thus reducing time consumption in booting the system, as recited in paragraphs

-7-

[0016] and [0024] in the specification. In claim 1 the boot selection flag is set when the computer is turned on, and there is no selection window to stall the booting process. The selection of OS and the consequent booting can be carried out automatically, smoothly and continuously. Such a result is unexpected from the combination of Ding and Raghavan. Therefore Applicant believes that claim 1 is allowable based on this unexpected result.

For at least the reasons above, Applicant believes that claim 1 is non-obvious over the combination of Ding and Raghavan and is allowable. Since each of claims 5, 6, 8-14 is dependent on claim 1 and includes all limitations of claim 1, claims 5, 6, 8-14 are also allowable as a matter of law.

The first Office Action mailed on 03/15/2006 rejected claims 7 under 35 U.S.C. 103(a) as being unpatentable over Khanna in view of Raghavan. Since claim 7 depends on claim 1, and the combination of Khanna and Raghavan does not teach the exact sequence of steps of claim 1, claim 7 is non-obvious and is allowable.

Reconsideration and withdrawal of the rejections of claims 1 and 5-14 under 35 USC 103(a) are respectfully requested.
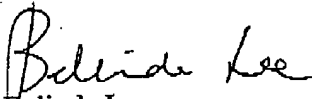
-8-

CONCLUSION

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date : *Oct. 14, 2006*

Respectfully submitted,

Belinda Lee

Belinda Lee

Registration No.: 46,863

Jianq Chyun Intellectual Property Office
7th Floor-1, No. 100
Roosevelt Road, Section 2
Taipei, 100
Taiwan
Tel: 011-886-2-2369-2800
Fax: 011-886-2-2369-7233
Email: belinda@jcipgroup.com.tw
　　　Usa@jcipgroup.com.tw

-9-